

## **Exhibit A**

**Kelley, Derek W.**

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**From:** Finnerty, Christopher S.  
**Sent:** Friday, May 27, 2022 9:59 AM  
**To:** Christine A. Montenegro  
**Cc:** McDevitt, Jerry; Nickerson, Morgan T.; Jason S. Takenouchi; Kelley, Derek W.; Nicholas A. Rendino  
**Subject:** RE: MLW v. WWE - 26(f) Conference

Hi Christine,

My client does not consent to moving the case management conference to the day of oral argument in the pending Motion to Dismiss. First, the motion to dismiss requires both significant preparation and attention before and during the day of argument. Second, my client believes that the existing date is the most “practical” date to conduct the conference, as both parties will have a better sense of what claims, if any, will be moving forward based on the judges’ comments during oral argument.

Best,

Chris

**K&L GATES**

**Christopher S. Finnerty**  
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**From:** Christine A. Montenegro <CMontenegro@kasowitz.com>  
**Sent:** Tuesday, May 24, 2022 7:29 PM  
**To:** Finnerty, Christopher S. <Chris.Finnerty@klgates.com>; Nicholas A. Rendino <nrendino@kasowitz.com>  
**Cc:** McDevitt, Jerry <Jerry.McDevitt@klgates.com>; Nickerson, Morgan T. <Morgan.Nickerson@klgates.com>; Jason S. Takenouchi <JTakenouchi@kasowitz.com>; Kelley, Derek W. <Derek.Kelley@klgates.com>  
**Subject:** RE: MLW v. WWE - 26(f) Conference

**External Sender:**

Chris,

Following up on our meet and confer from last Friday, today we heard back from the Court regarding reserving a hearing date for the forthcoming motion to compel compliance with Rule 26(f). Courtroom Deputy Robinson indicated that the issue with reserving a hearing date was that the Court was currently reserving dates as far out as November or December, which would be after the initial Case Management Conference. Thus, the Court suggested that the parties

meet and confer to determine whether we could agree to stipulate to hold the initial case management conference on September 29, the day of the oral argument on the motion to dismiss. Our current deadline for the initial case management conference is October 27, so moving that date up until September 29 would reset the other dates as set forth below.

- a. September 8 - L/D to file ADR Certification signed by Parties and Counsel
- b. September 8 - L/D to Meet and Confer re: initial disclosures, early settlement, ADR process selection, and discovery plan (i.e., 26(f) conference).
- c. September 15 –mL/D to File Stipulation/Motion for Order Changing Time re Initial Case Management Conference
- d. September 19 – L/D to file Joint Case Management Statement
- e. September 22 - L/D to file Rule 26(f) Report and complete Initial Disclosures or state objection in Rule 26(f) Report
- f. September 22 – L/D to File and Serve Administrative Request to Appear Telephonically at Initial Case Management Conference
- g. September 29 - Initial Case Management Conference

We believe the Court's suggestion to hold the Initial Case Management Conference on September 29<sup>th</sup> is reasonable and we are willing to prepare a stipulation to submit to the Court to that effect. Please let us know if we have your consent to agree to the Stipulation.

Regards,

Christine

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New York, New York 10019  
Tel. (212) 506-1715  
Fax. (212) 835-5015  
[CMontenegro@kasowitz.com](mailto:CMontenegro@kasowitz.com)

---

**From:** Finnerty, Christopher S. [<mailto:Chris.Finnerty@klgates.com>]

**Sent:** Thursday, May 19, 2022 7:04 PM

**To:** Nicholas A. Rendino <[nrendino@kasowitz.com](mailto:nrendino@kasowitz.com)>

**Cc:** McDevitt, Jerry <[Jerry.McDevitt@klgates.com](mailto:Jerry.McDevitt@klgates.com)>; Nickerson, Morgan T. <[Morgan.Nickerson@klgates.com](mailto:Morgan.Nickerson@klgates.com)>; Christine A. Montenegro <[CMontenegro@kasowitz.com](mailto:CMontenegro@kasowitz.com)>; Jason S. Takenouchi <[JTakenouchi@kasowitz.com](mailto:JTakenouchi@kasowitz.com)>; Kelley, Derek W. <[Derek.Kelley@klgates.com](mailto:Derek.Kelley@klgates.com)>

**Subject:** RE: MLW v. WWE - 26(f) Conference

Hi Nick,

I can make that time work.

Best,

Chris



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**From:** Nicholas A. Rendino <[nrendino@kasowitz.com](mailto:nrendino@kasowitz.com)>  
**Sent:** Thursday, May 19, 2022 2:51 PM  
**To:** Finnerty, Christopher S. <[Chris.Finnerty@klgates.com](mailto:Chris.Finnerty@klgates.com)>  
**Cc:** McDevitt, Jerry <[Jerry.McDevitt@klgates.com](mailto:Jerry.McDevitt@klgates.com)>; Nickerson, Morgan T. <[Morgan.Nickerson@klgates.com](mailto:Morgan.Nickerson@klgates.com)>; Christine A. Montenegro <[CMontenegro@kasowitz.com](mailto:CMontenegro@kasowitz.com)>; Jason S. Takenouchi <[JTakenouchi@kasowitz.com](mailto:JTakenouchi@kasowitz.com)>; Kelley, Derek W. <[Derek.Kelley@klgates.com](mailto:Derek.Kelley@klgates.com)>  
**Subject:** RE: MLW v. WWE - 26(f) Conference

Chris,

Someone on our end had a client conflict come up – would you all be available tomorrow at noon instead?

Thanks,  
Nick

---

**From:** Nicholas A. Rendino  
**Sent:** Tuesday, May 17, 2022 2:09 PM  
**To:** Finnerty, Christopher S. <[Chris.Finnerty@klgates.com](mailto:Chris.Finnerty@klgates.com)>  
**Cc:** McDevitt, Jerry <[Jerry.McDevitt@klgates.com](mailto:Jerry.McDevitt@klgates.com)>; Nickerson, Morgan T. <[Morgan.Nickerson@klgates.com](mailto:Morgan.Nickerson@klgates.com)>; Christine A. Montenegro <[CMontenegro@kasowitz.com](mailto:CMontenegro@kasowitz.com)>; Jason S. Takenouchi <[JTakenouchi@kasowitz.com](mailto:JTakenouchi@kasowitz.com)>; Kelley, Derek W. <[Derek.Kelley@klgates.com](mailto:Derek.Kelley@klgates.com)>  
**Subject:** Re: MLW v. WWE - 26(f) Conference

Thanks, Chris. We will circulate an invite for 11:00 a.m.

Best,  
Nick

On May 17, 2022, at 2:05 PM, Finnerty, Christopher S. <[Chris.Finnerty@klgates.com](mailto:Chris.Finnerty@klgates.com)> wrote:

Hi Nick,

I can do 11AM EST this Friday.

Best,

Chris



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---

**From:** Nicholas A. Rendino <[nrendino@kasowitz.com](mailto:nrendino@kasowitz.com)>  
**Sent:** Tuesday, May 17, 2022 11:18 AM  
**To:** Finnerty, Christopher S. <[Chris.Finnerty@klgates.com](mailto:Chris.Finnerty@klgates.com)>  
**Cc:** McDevitt, Jerry <[Jerry.McDevitt@klgates.com](mailto:Jerry.McDevitt@klgates.com)>; Nickerson, Morgan T. <[Morgan.Nickerson@klgates.com](mailto:Morgan.Nickerson@klgates.com)>; Christine A. Montenegro <[CMontenegro@kasowitz.com](mailto:CMontenegro@kasowitz.com)>; Jason S. Takenouchi <[JTakenouchi@kasowitz.com](mailto:JTakenouchi@kasowitz.com)>; Kelley, Derek W. <[Derek.Kelley@klgates.com](mailto:Derek.Kelley@klgates.com)>  
**Subject:** RE: MLW v. WWE - 26(f) Conference

Chris,

Due to scheduling conflicts on other matters, we are unable to meet until this Friday (May 20). We are available on Friday after 11 a.m. EDT, except between 2:00 – 2:30 p.m. Please let us know if any of those times work and we can circulate a dial-in and invite for the call.

Regards,  
Nick

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**From:** Finnerty, Christopher S. <[Chris.Finnerty@klgates.com](mailto:Chris.Finnerty@klgates.com)>  
**Sent:** Thursday, May 12, 2022 9:08 AM  
**To:** Nicholas A. Rendino <[nrendino@kasowitz.com](mailto:nrendino@kasowitz.com)>  
**Cc:** McDevitt, Jerry <[Jerry.McDevitt@klgates.com](mailto:Jerry.McDevitt@klgates.com)>; Nickerson, Morgan T. <[Morgan.Nickerson@klgates.com](mailto:Morgan.Nickerson@klgates.com)>; Christine A. Montenegro <[CMontenegro@kasowitz.com](mailto:CMontenegro@kasowitz.com)>; Jason S. Takenouchi <[JTakenouchi@kasowitz.com](mailto:JTakenouchi@kasowitz.com)>; Kelley, Derek W. <[Derek.Kelley@klgates.com](mailto:Derek.Kelley@klgates.com)>  
**Subject:** RE: MLW v. WWE - 26(f) Conference

Nick,

My communication below never stated that a motion to dismiss automatically stays discovery or alters the schedule in any way. Instead, under Rule 26(f)(1), our deadline to conduct the conference is October 6. We have provided you a proposed conference date within the time period allotted under the rule. While you may want an earlier date, my client's proposal undoubtedly complies with the language and intent of Rule 26(f)(1).

My client believes that its proposed date is the most “practical” date to conduct the conference, as both parties will have a better sense of what claims, if any, will be moving forward. It would be inefficient, costly, and contrary to Rule 1 to conduct a conference now, when for example, we do not even know whether the Court has subject matter jurisdiction over the litigation.

As for your request for a meet and confer on this issue, as you are aware, we are currently working to meet our Monday deadline for the filing of WWE’s reply brief. Once that is filed, we are happy to conduct a call on this issue. I am generally available on Tuesday if there are some times that you would like to propose.

Best,

Chris



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**From:** Nicholas A. Rendino <[nrendino@kasowitz.com](mailto:nrendino@kasowitz.com)>  
**Sent:** Wednesday, May 11, 2022 4:25 PM  
**To:** Finnerty, Christopher S. <[Chris.Finnerty@klgates.com](mailto:Chris.Finnerty@klgates.com)>  
**Cc:** McDevitt, Jerry <[Jerry.McDevitt@klgates.com](mailto:Jerry.McDevitt@klgates.com)>; Nickerson, Morgan T. <[Morgan.Nickerson@klgates.com](mailto:Morgan.Nickerson@klgates.com)>; Christine A. Montenegro <[CMontenegro@kasowitz.com](mailto:CMontenegro@kasowitz.com)>; Jason S. Takenouchi <[JTakenouchi@kasowitz.com](mailto:JTakenouchi@kasowitz.com)>; Kelley, Derek W. <[Derek.Kelley@klgates.com](mailto:Derek.Kelley@klgates.com)>  
**Subject:** RE: MLW v. WWE - 26(f) Conference

Chris,

We respectfully disagree with the view that filing a motion to dismiss stays discovery and relieves the parties of their obligation to confer “as soon as practicable” under Rule 26(f). There is nothing in the text of Rule 26(f) that states that the filing of a motion to dismiss alters the parties’ obligations to confer.

If your client maintains its position that it will not conduct the conference until after oral argument on the motion to dismiss, then we will plan to file a motion to compel the 26(f) conference this week. In that event, this is our attempt to schedule a meet and confer conference regarding the motion to Compel a Rule 26 conference – please advise as to some times when you would be available for a call to discuss the forthcoming motion.

Regards,  
Nick

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**From:** Finnerty, Christopher S. <[Chris.Finnerty@klgates.com](mailto:Chris.Finnerty@klgates.com)>  
**Sent:** Monday, May 9, 2022 10:35 AM  
**To:** Nicholas A. Rendino <[nrendino@kasowitz.com](mailto:nrendino@kasowitz.com)>  
**Cc:** McDevitt, Jerry <[Jerry.McDevitt@klgates.com](mailto:Jerry.McDevitt@klgates.com)>; Nickerson, Morgan T. <[Morgan.Nickerson@klgates.com](mailto:Morgan.Nickerson@klgates.com)>; Christine A. Montenegro <[CMontenegro@kasowitz.com](mailto:CMontenegro@kasowitz.com)>; Jason S. Takenouchi <[JTakenouchi@kasowitz.com](mailto:JTakenouchi@kasowitz.com)>; Kelley, Derek W. <[Derek.Kelley@klgates.com](mailto:Derek.Kelley@klgates.com)>  
**Subject:** RE: MLW v. WWE - 26(f) Conference

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Hi Nick,

Given that my client's pending motion to dismiss may resolve the case entirely, we do not believe it is practical to conduct a Rule 26(f) conference until the Court rules upon the motion. As you are aware, the Court reschedule the initial CMC to October 27. Accordingly, we have until October 6 to conduct the conference (please let us know if that date works). As we are scheduled to appear before the Court on September 29 for argument on the motion to dismiss, my client believes the most efficient path forward is to schedule the conference after the oral argument. At that time, we should have a better sense from the Court as to what claims, if any, will be moving forward.

Best,

Chris



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[www.klgates.com](http://www.klgates.com)

---

**From:** Nicholas A. Rendino <[nrendino@kasowitz.com](mailto:nrendino@kasowitz.com)>  
**Sent:** Thursday, May 05, 2022 1:38 PM  
**To:** Kelley, Derek W. <[Derek.Kelley@klgates.com](mailto:Derek.Kelley@klgates.com)>  
**Cc:** McDevitt, Jerry <[Jerry.McDevitt@klgates.com](mailto:Jerry.McDevitt@klgates.com)>; Nickerson, Morgan T. <[Morgan.Nickerson@klgates.com](mailto:Morgan.Nickerson@klgates.com)>; Finnerty, Christopher S. <[Chris.Finnerty@klgates.com](mailto:Chris.Finnerty@klgates.com)>; Christine A. Montenegro <[CMontenegro@kasowitz.com](mailto:CMontenegro@kasowitz.com)>; Jason S. Takenouchi <[JTakenouchi@kasowitz.com](mailto:JTakenouchi@kasowitz.com)>  
**Subject:** MLW v. WWE - 26(f) Conference

Derek,

As you know, the parties are required to hold their 26(f) conference "as soon as practicable" after the case is filed. Now that the parties have had an opportunity to address the motion to dismiss briefing, a 26(f) conference is practicable. Please advise as to some times over the next two weeks when you would be available to hold the 26(f) conference.

Regards,  
Nick

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